

IN THE CLAIMS:

Please cancel claims 2, 6, 10, 12, 14, 20-22, 24, 26, 29 and 31 without prejudice or disclaimer.

Please amend the claims as follows:

Claim 1 (Currently Amended) A fastening apparatus for use with a closure means and a surface, including said fastening apparatus being able to hold said closure means in a releasable position relative to said surface, said fastening apparatus comprising

a latch fixed to said surface and configured to receive a catch that is ~~attached~~ fixed to a said closure means, characterised in that the latch includes including a lever attached to a release mechanism for the fastening apparatus, ~~wherein the lever extends~~ extending outwards from the ~~closure means when the closure means is held in the open position and there is~~ latch towards said catch when in or towards said releasable position, said lever being pivoted about an axis extending substantially perpendicular to a substantially planar back-plate,

a cushioning apparatus intermediate of the latch and the closure means, said cushioning apparatus cushioning by contact with said closure means with respect to said latch.

Claim 2 (Cancelled)

Claim 3 (Currently Amended) A The fastening apparatus as claimed in claim 1, wherein the lever is centrally pivoted with respect to and from the back-plate.

Claim 4 (Currently Amended) A The fastening apparatus as claimed in claim 1, wherein the release mechanism includes a notched section of the lever to engage a complimentary notch section on said catch.

Claim 5 (Currently Amended) A The fastening apparatus as claimed in claim 4, wherein the notched section ~~is angled~~ lies in a substantially perpendicular plane with respect to the back-plate in order to effect ~~the~~ a required distance between the surface to which the back-plate is affixed and the closure ~~means-when~~ means when the catch and the latch are engaged.

Claim 6 (Cancelled)

Claim 7 (Currently Amended) ~~A~~ The fastening apparatus as claimed in claim 1, wherein the latch is released from the catch by ~~the~~ application of pressure to ~~the~~ an opposite distal end of the lever with respect to the notched section.

Claim 8 (Currently Amended) ~~A~~ The fastening apparatus as claimed in claim 1, wherein the latch ~~includes a~~ retains the cushioning apparatus.

Claim 9 (Currently Amended) ~~A~~ The fastening apparatus as claimed in claim 8, wherein the cushioning apparatus is positioned to extend in a substantially perpendicular plane with respect to the back-plate ~~and~~ to contact the closure means when the closure means is ~~secured by the fastening apparatus~~ in or towards said releasable position.

Claim 10 (Cancelled)

Claim 11 (Currently Amended) ~~A~~ The fastening apparatus as claimed in claim 1, wherein the latch is configured such that ~~it can be~~ the latch is used with either a left handed or right handed opening closure means.

Claim 12 (Cancelled)

Claim 13 (Currently Amended) ~~A~~ The fastening apparatus as claimed in claim ~~12~~ 1, wherein the catch is configured to receive ~~an attachment~~ at least one fastener to secure the catch against the closure means.

Claim 14 (Cancelled)

Claim 15 (Currently Amended) ~~A~~ The fastening apparatus as claimed in claim 4, wherein the notched section of the lever is located towards the leading distal end of the lever and a handle is located towards the trailing distal end of the lever.

Claim 16 (Currently Amended) ~~A~~ The fastening assembly as claimed in claim ~~16~~ 4, wherein the notched section is configured to be substantially right-angled to the axis of the lever.

Claim 17 (Currently Amended) ~~A~~ The fastening apparatus as claimed in claim ~~17~~ 4, wherein the notched section includes notches on both ~~the~~ an upper and lower surfaces of the notched section.

Claim 18 (Currently Amended) ~~A~~ The fastening assembly as claimed in claim 1,
wherein said lever is biased against rotation about said pivot point by a biasing means
~~is located substantially centrally to~~ between the lever and the backing plate.

Claim 19 (Currently Amended) ~~A~~ The fastening apparatus as claimed in claim 18,
wherein the biasing means is a spring.

Claims 20-22 (Cancelled)

Claim 23 (Currently Amended) ~~A~~ The fastening apparatus as claimed in claim ~~22~~ 18,
wherein the biasing means ~~ensures that the leading distal edge of the latch is biased~~
~~downwards from the horizontal~~ exerts a positive pressure in a substantially downward
direction onto the catch when the ~~latch~~ catch is ~~not~~ engaged with the ~~catch~~ latch.

Claim 24 (Cancelled)

Claim 25 (Currently Amended) ~~A~~ The fastening apparatus as claimed in claim 1,
~~wherein the latch includes~~ further comprising a restraint device feature that is

configured as a substantially angled portion of the back-plate that limits the upward movement of the trailing distal end of the lever past a pre-defined point.

Claim 26 (Cancelled)

Claim 27 (Currently Amended) ~~A~~ The fastening apparatus as claimed in claim ~~27~~ 1, wherein the cushioning apparatus is constructed of a an elastic material ~~that exhibits elastic deformation under the application of direct pressure with compression damping properties.~~

Claim 28 (Currently Amended) ~~A~~ The fastening apparatus as claimed in claim ~~26~~ 1, wherein the cushioning apparatus operates as a positive stop ~~against~~ for the closure means in conjunction with said release mechanism.

Claim 29 (Cancelled)

Claim 30 (Currently Amended) ~~A~~ The fastening apparatus as claimed in claim ~~15~~, wherein the handle of the lever ~~is configured to have a partially textured surface~~ has a grip enhanced portion.

Claims 31-33 (Cancelled)

Please add new claims 34-36 as follows:

Claim 34 (New) The fastening assembly as claimed in claim 18, wherein said biasing means biases said notched section to engage said closure notch when closure is in said releasable position.

Claim 35 (New) The fastening apparatus as claimed in claim 1, further comprising a restraint feature that limits the rotation of said lever past a pre-defined point.

Claim 36 (New) The fastening apparatus as claimed in claim 30, wherein said grip enhanced position is one of a low friction material and a textured surface.